

FACTSHEET

THE PETITION PROCESS TO PLACE THE NAMES OF CANDIDATES FOR PRESIDENT AND VICE PRESIDENT ON THE STATE OF HAWAII GENERAL ELECTION BALLOT

Refer to §11-113 and Chapter 14 of the Hawaii Revised Statutes (HRS) for information dealing with presidential elections and candidates.

GENERAL INFORMATION

The State of Hawaii does not have a presidential primary or provisions for write-in voting. There are two ways to gain access to the State of Hawaii general election presidential ballot:

1. By the Presidential Petition Process
2. As the Nominee of a Qualified Political Party

The names of the candidates for president and vice president shall be used on the ballot in place of the names of the presidential electors. The votes cast for president and vice president of each political party shall be counted for the presidential electors and alternates nominated by each political party. Hawaii is entitled to four presidential electors in the 2004 election. (HRS §§11-113 and 14-23 and U.S. Constitution, Article II, Section 1)

I. PRESIDENTIAL PETITION PROCESS

A. NOTARIZED STATEMENT OF INTENT (HRS §11-113(c)(2))

Prior to receiving the petition forms, the independent candidate/party shall submit to the chief election officer a completed application form and a notarized statement from each candidate of their intent to be a candidate for president and vice president on the general election ballot in the State of Hawaii.

B. PETITION FOR QUALIFICATION (HRS §11-113(c)(2))

Upon receipt of the completed application form and notarized statement of intent, the chief election officer shall issue to the independent candidate the petition forms.

1. The petition shall be filed with the chief election officer not later than 4:30 p.m. on the 60th day prior to the general election. In the year 2004, the deadline to file the petition is **Friday, September 3, 2004**.
2. The petition shall:
 - a. contain 3,711 signatures of currently registered voters which constitute not less than one per cent of the votes cast in the State at the last presidential election (in the 2000 presidential election there were 371,033 votes cast);
 - b. be upon a form prescribed and provided by the chief election officer and shall contain the names of both candidates;
 - c. contain a statement that the persons signing intend to support those candidates;
 - d. contain the address of each signatory and the date signed; and
 - e. The Chief Election Officer may require other information as he or she determines appropriate for the petition form.
3. The applicant, and the candidates named, shall be notified in writing of the applicant's or candidate's eligibility or disqualification for placement on the ballot not later than 4:30 p.m. on the 10th business day after filing. The chief election officer may extend the notification period up to an additional five business days if the applicants and candidates are notified.
4. If the applicant, or any other party, individual, or group with a candidate on the presidential ballot, objects to the finding of eligibility or disqualification the person may, not later than 4:30 p.m. on the 5th day after the finding, file a request in writing with the chief election officer for a hearing on the question. A hearing shall be called not later than 4:30 p.m. on the 10th day after receipt of request and shall be conducted in accord with HRS Chapter 91. A decision shall be issued not later than 4:30 p.m. on the 5th day after the conclusion of the hearing.

C. WITHDRAWAL OF SIGNATURES FROM THE PETITION (HRS §11-6)

A voter who signs a petition and seeks to withdraw his/her signature from the petition may do so if the petition has not yet been filed with the chief election officer.

1. A voter who seeks to withdraw the voter's signature from a petition must submit a notice in writing to the chief election officer any time before the filing of the petition. The notice shall include the voter's:
 - a. name;
 - b. social security number;
 - c. residence address;
 - d. date of birth; and
 - e. signature with the name under which the voter is registered to vote.
2. Upon receipt of that notice containing the information required by HRS §11-6, the chief election officer shall notify the group or individual to whom the petition was issued and the signature of the individual shall not be counted.

II. NOMINEE OF A QUALIFIED POLITICAL PARTY

A. SWORN APPLICATION (HRS §11-113)

1. The sworn application shall be filed not later than 4:30 p.m. on the 60th day prior to the general election with the chief election officer in the Office of Elections. In the year 2004, the deadline to file the sworn application is **Friday, September 3, 2004**.
2. The sworn application shall include:
 - a. the names and addresses of each of the two candidates;
 - b. a statement that each candidate is legally qualified to serve under the provisions of the United States Constitution; and
 - c. a statement that candidates are duly chosen candidates of both the state and national party, giving time, place, and manner of selection (where applicable).

B. PRESIDENTIAL ELECTORS AND ALTERNATES (HRS Chapter 14)

1. The party/group shall hold a state party or group convention to nominate as candidates four electors, and a first and second alternate for each elector, of president and vice president as the State is entitled. The electors shall be registered voters of the State. (HRS §14-21)

NOTE: Article II, Section 1 of the U.S. Constitution provides that "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

2. The names and addresses of the nominees for presidential elector and alternates shall be certified by the chairman and secretary of the convention and submitted to the chief election officer not later than 4:30 p.m. on the 60th day prior to the general election of the same year. The Chief Election Officer upon receipt thereof, shall immediately notify each of the nominees for elector and alternate elector of the nomination. In the year 2004, the deadline will be **Friday, September 3, 2004**. (HRS §14-21)

The chief election officer shall certify to the governor the names of the elected presidential electors and alternates receiving the highest number of votes as elected as presidential electors and alternates not later than 4:30 p.m. on the last day in the month of the election. (HRS §14-24)

The Governor shall in accordance with the laws of the United States, communicate by registered mail under the seal of the State of Hawaii to the administrator of general services of the United States, the certificates of persons elected as presidential electors, setting forth the names of the electors and the total number of votes cast for each elector. The Chief Election Officer shall thereupon, together with a notice of the time and place of the meeting of the electors, cause to issue and transmit to each elector and alternate a certificate of election signed by the governor. (HRS § 14-24)

The presidential electors shall assemble at the State Capitol on the first Monday after the second Wednesday in December next following their election, at two o'clock in the afternoon. In the year 2004, the electors shall assemble on **Monday, December 13, 2004**. (HRS §14-26)

III. ELECTION DATES

The Primary Election will be held on **Saturday, September 18, 2004**

The General election will be held on **Tuesday, November 2, 2004**

IV. INSTRUCTIONS FOR CORRECTLY COMPLETING THE PETITION FORM

- A. The petition can only be verified on the basis of the information contained on it. The information is compared with the information contained in the official voter register. If a voter provides information that is illegible or inconsistent with the information in the official voter register, this may result in the signature not being counted. Examples of this are the voter providing an incorrect address, social security number, or date of birth. This frequently results from illegible handwriting or a voter transposing numbers.
- B. Use black ink for all signatures.
- C. The signature of the voter should match the signature on his/her most recent voter registration affidavit. This same signature will be needed for any necessary signature validity checks.
- D. The name of the voter must be printed in the space provided.
- E. The residence address of the voter where he/she is registered to vote must be recorded, not any address to which the voter has moved subsequent to registering and has failed to make the change of registration as required by law. Mailing addresses are not acceptable.
- F. The date on which the signature was recorded must be indicated.
- G. Both the voter's social security number and date of birth will be needed to distinguish among people having identical names and/or addresses.

This Fact Sheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and candidate deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

Office of Elections
802 Lehua Avenue
Pearl City, Hawaii 96782
Phone: 808-453-VOTE(8683)
Neighbor Island Toll Free: 1-800-442-VOTE(8683)

Office of Elections - FSBO123D
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CONSTITUTION OF THE UNITED STATES OF AMERICA ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:-- I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.

HAWAII REVISED STATUTES

CHAPTER 11 ELECTIONS, GENERALLY

§11-113 Presidential ballots. (a) In presidential elections, the names of the candidates for president and vice president shall be used on the ballot in lieu of the names of the presidential electors, and the votes cast for president and vice president of each political party shall be counted for the presidential electors and alternates nominated by each political party.

(b) A "national party" as used in this section shall mean a party established and admitted to the ballot in at least one state other than Hawaii or one which is determined by the chief election officer to be making a bona fide effort to become a national party. If there is no national party or the national and state parties or factions in either the national or state party do not agree on the presidential and vice presidential candidates, the chief election officer may determine which candidates' names shall be placed on the ballot or may leave the candidates' names off the ballot completely.

(c) All candidates for president and vice president of the United States shall be qualified for inclusion on the general election ballot under either of the following procedures:

- (1) In the case of candidates of political parties which have been qualified to place candidates on the primary and general election ballots, the appropriate official of those parties shall file a sworn application with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election, which shall include:
 - (A) The name and address of each of the two candidates;
 - (B) A statement that each candidate is legally qualified to serve under the provisions of the United States Constitution;
 - (C) A statement that the candidates are the duly chosen candidates of both the state and the national party, giving the time, place, and manner of the selection.

- (2) In the case of candidates of parties or groups not qualified to place candidates on the primary or general election ballots, the person desiring to place the names on the general election ballot shall file with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election:
- (A) A sworn application which shall include the information required under paragraph (1)(A) and (B), and (C) where applicable;
 - (B) A petition which shall be upon the form prescribed and provided by the chief election officer containing the signatures of currently registered voters which constitute not less than one per cent of the votes cast in the State at the last presidential election. The petition shall contain the names of the candidates, a statement that the persons signing intend to support those candidates, the address of each signatory, the date of the signer's signature and other information as determined by the chief election officer.

Prior to being issued the petition form, the person desiring to place the names on the general election ballot shall submit a notarized statement from each candidate of that person's intent to be a candidate for President or Vice President of the United States on the general election ballot in the State of Hawaii. Such statements may be withdrawn by a prospective candidate for Vice President and an alternative candidate for Vice President be substituted anytime prior to the notification of qualification or disqualification provided in subsection (d). Any such substitutions shall be accompanied by a notice of substitution satisfying subparagraph (A), a statement of intent as required by this paragraph, and a letter by the candidate for President endorsing the substitute candidate for Vice President. Upon receipt of a notice of substitution and all other required documents, the substitute shall replace the original candidate for Vice President on the general election ballot. The petitions issued in the names of the original candidates will remain valid for the purposes of this section.

(d) Each applicant and the candidates named, shall be notified in writing of the applicant's or candidate's eligibility or disqualification for placement on the ballot not later than 4:30 p.m. on the tenth business day after filing. The chief election officer may extend the notification period up to an additional five business days, if the applicants and candidates are provided with notice of the extension and the reasons therefore.

(e) If the applicant, or any other party, individual, or group with a candidate on the presidential ballot, objects to the finding of eligibility or disqualification the person may, not later than 4:30 p.m. on the fifth day after the finding, file a request in writing with the chief election officer for a hearing on the question. A hearing shall be called not later than 4:30 p.m. on the tenth day after the receipt of the request and shall be conducted in accord with chapter 91. A decision shall be issued not later than 4:30 p.m. on the fifth day after the conclusion of the hearing. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(ff); am L 1977, c 189, §1(8); am L 1983, c 34, §14; am L 1993, c 304, §6]

CHAPTER 14 PRESIDENTIAL ELECTIONS

§14-21 Nomination of presidential electors and alternates; certification; notification of nominees. In each year when electors of president and vice president of the United States are to be chosen, each of the political parties or parties or groups qualified under section 11-113 shall hold a state party or group convention pursuant to the constitution, bylaws, and rules of the party or group; and nominate as candidates for its party or group as many electors, and a first and second alternate for each elector, of president and vice president of the United States as the State is then entitled. The electors and alternates shall be registered voters of the State. The names and addresses of the nominees shall be certified by the chairman and secretary of the convention of the respective parties or groups and submitted to the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election of the same year. The chief election officer upon receipt thereof, shall immediately notify each of the nominees for elector and alternate elector of the nomination. [L 1970, c 26, pt of §2; am L 1973, c 217, §4(b); am L 1981, c 100, §2(1)]

§14-22 Contested nominations of presidential electors and alternates. If more than one certificate of choice and selection of presidential electors and alternate electors of the same political party or group is filed with the chief election officer, as chairperson of the contested presidential electors' committee hereby constituted, the chief election officer shall notify the state comptroller and attorney general, who are the remaining members of the committee, of the date, time, and place of the hearing to be held for the purposes of making a determination of which set of electors and alternate electors were lawfully chosen and selected by the political party or group. Notice of the hearing shall be given to the chairperson of the state central committee of each political party and the chairperson of each party or group qualified under section 11-113, contestants for the positions of electors and alternate electors by written notice, and to all other interested parties by public notice at least once. A determination shall be made by the committee by majority vote not later than 4:30 p.m. on October 30 of the same year and the determination shall be final. Notice of the results shall be given to the nominees duly determined to have been chosen. The committee shall have all the powers enumerated in section 11-43. [L 1970, c 26, pt of §2; am L 1973, c 217, §4(c); am L 1981, c 100, §2(2); gen ch 1993; am L 1998, c2, §7]

§14-23 Time for election, number to be chosen. In each presidential election year there shall be elected at large, at the general election, by the voters of the State, as many electors and alternates of president and vice president of the United States as the State is then entitled to elect, in the manner provided under section 11-113. The electors and the alternates must be registered voters of the State. The election shall be conducted and the results thereof determined in conformity with the laws governing general elections except as otherwise provided. [L 1970, c 26, pt of §2; am L 1977, c 189, §3]

§14-24 Certificate of election, notice of meeting. Not later than 4:30 p.m. on the last day in the month of the election, or as soon as the returns have been received from all counties in the State, if received before that time, the chief election officer shall certify to the governor the names of the presidential electors and alternates of the same political party or group as the candidates for president and vice president receiving the highest number of votes as elected as presidential electors and alternates. Thereupon the governor shall in accordance with the laws of the United States, communicate by registered mail under the seal of the State of Hawaii to the administrator of general services of the United States, the certificates of persons elected as presidential electors, setting forth the names of the electors and the total number of votes cast for each elector. The chief election officer shall thereupon, together with a notice of the time and place of the meeting of the electors, cause to issue and transmit to each elector and alternate a certificate of election signed by the governor in substantially the following form:

CERTIFICATE OF ELECTION OF PRESIDENTIAL ELECTORS

I, Governor of the State of Hawaii, do hereby certify that, a member of the party or group, was on the day of, 19....., duly elected a Presidential Elector for the State of Hawaii for the presidential election of 19.....

CERTIFICATE OF ELECTION OF ALTERNATE PRESIDENTIAL ELECTOR

I, Governor of the State of Hawaii, do hereby certify that, a member of the party or group, was on the day of, 19....., duly elected Alternate Presidential Elector for Presidential Elector for the State of Hawaii for the presidential election of 19..... [L 1970, c 26, pt of §2; am L 1973, c 217, §4(d); am L 1981, c 100, §2(3)]

§14-25 Duties of the governor. On or before the day of the meeting of the electors the governor shall deliver to the electors a list of the names of electors, and the governor shall perform any other duties relating to the presidential electors which are required of the governor by laws of the United States. [L 1970, c 26, pt of §2; am imp L 1984, c 90, §1]

§14-26 Assembly of electors at state capital; time. The electors chosen shall assemble at the state capital on the first Monday after the second Wednesday in December next following their election, at two o'clock in the afternoon. [L 1970, c 26, pt of §2; gen ch 1985]

§14-27 Filling vacancies of presidential electors. In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the vacancy or vacancies shall be filled by the alternates in the order of their numerical designation for their respective electors causing the vacancy or vacancies, and in the event that vacancy or vacancies still exist, then the electors present shall select from the members of the same political party or group as many persons as will supply the deficiency. Certificates for the alternates or substitutes as presidential electors shall be issued by the governor. [L 1970, c 26, pt of §2; am L 1981, c 100, §2(4)]

§14-28 Convening and voting for president and vice president; party vote. The electors, when convened, if both candidates are alive, shall vote by ballot for that person for president and that person for vice president of the United States, who are, respectively, the candidates of the political party or group which they represent, one of whom, at least, is not an inhabitant of this State. [L 1970, c 26, pt of §2; am L 1981, c 100, §2(5)]

§14-29 Naming persons voted for in ballots, separate ballots. The electors shall name in their ballots the person voted for as president, and in separate ballots the person voted for as vice president. [L 1970, c 26, pt of §2]

§14-30 Lists of persons voted for and number of votes, certification, transmission to president of the senate. The electors shall separately list the persons voted for as president and as vice president, respectively, and the number of votes for each, which lists they shall sign, certify, seal, and transmit by mail, one copy to the seat of the government of the United States, directed to the president of the senate of the United States, and make such other disposition of the lists as required by law. [L 1970, c 26, pt of §2]

§14-31 Compensation and mileage of electors, amounts. Each presidential elector shall receive \$50 for the elector's services, plus the reasonable cost of transportation from the elector's voting residence in the State to the state capital and return. Their accounts shall be certified to by the chief election officer and audited by the state comptroller, and shall be payable out of the general fund. [L 1970, c 26, pt of §2; gen ch 1985]